

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

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 STATE OF MARYLAND :  
 : Criminal No. 02-K-2007-001393 IN  
 v. :  
 :  
 BOISEY LEVERN NEAL, :  
 :  
 Defendant. : Annapolis, Maryland  
 :  
 -----x December 4, 2014

**POST-CONVICTION HEARING  
 (RULING OF THE COURT)**

WHEREUPON, proceedings in the above-entitled matter  
 commenced.

BEFORE: THE HONORABLE PAUL F. HARRIS, JR., Judge

APPEARANCES:

FOR THE STATE:

KIMBERLY DiPIETRO, Esq.  
 State's Attorney's Office for Anne Arundel County  
 7 Church Circle  
 Suite 200  
 Annapolis, Maryland 21401

FOR THE DEFENDANT:

D. SCOTT WHITNEY, Esq.  
 Office of the Public Defender  
 7500 Governor Ritchie Highway  
 Suite 111  
 Glen Burnie, Maryland 21061

CRIMINAL DEPT.

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P R O C E E D I N G S

THE COURT: Okay. Call the case, please.

MS. DiPIETRO: Yes, Your Honor. Good morning.

Kimberly DiPietro, D-i-P-i-e-t-r-o, on behalf of the State.

This is Boisey Neal versus State of Maryland, K-2007-1393, here for a hearing on his petition for post-conviction relief.

THE COURT: Counsel, good morning.

MR. WHITNEY: Good morning, Your Honor. Scott Whitney, W-h-i-t-n-e-y. I am an assistant public defender on behalf of Mr. Neal, who is present and standing to my left.

(Whereupon, the requested excerpt follows:)

THE COURT: Sir, you cannot be serious --

THE DEFENDANT: I am serious.

THE COURT: -- about what you are arguing, because there -- I am looking at page 21 of that same hearing, where he actually imposed a sentence. So it is like 18 pages of his reasoning in between, and on page 21, where he goes ahead and sentences you to 10 years on the handgun, suspends 5, which means that is 5 incarceration. Then on the armed robbery he gives you 20 years, suspends 10. So the active jail you got was exactly what you thought you were going to get.

I still don't understand what you are complaining about. You were also given probation. Once you satisfied those 15 years, you were on probation. What did you think was going to happen to you, if you violated probation? Nothing?

1 THE DEFENDANT: I would actually get 15 years.

2 THE COURT: You would have already served that, sir.

3 THE DEFENDANT: No. I'm talking about the -- okay.

4 Okay. I understand what you're saying.

5 THE COURT: The suspended part of the sentence was  
6 still hanging over your head. So, you know, for the life of me  
7 I am trying to understand your position here, but it is crystal  
8 clear. (You were told on multiple occasions what the maximum  
9 penalties were. There is nothing in here that there was  
10 anything that bound this judge to just the 10 to 15 guideline  
11 range. Nothing. As a matter of fact, he says to the contrary,  
12 by giving you probation, that you are exposed to the suspended  
13 sentence.

14 Now, do you have any final comment, sir?

15 THE DEFENDANT: (No response.)

16 MR. WHITNEY: Mr. Neal --

17 THE DEFENDANT: Yes?

18 MR. WHITNEY: The Court has asked you a question.

19 THE DEFENDANT: I was -- yeah. The only thing I  
20 wanted to say was is that this has been -- this has been a long  
21 road. I thought -- I thought the outcome was going to be a  
22 little bit different because of how I understood this,  
23 because --

24 THE COURT: Your Honor, I am trying to be as  
25 understanding as I possibly can.

1 THE DEFENDANT: -- the guidelines, as far as how I  
2 understood it. I understood it, Your Honor, as 10 to 15 --

3 THE COURT: Well, you understood wrong.

4 THE DEFENDANT: Okay.

5 THE COURT: You are an intelligent person, sir. You  
6 were given rights. We have 40-some pages of people explaining  
7 to you what was going to happen.

8 THE DEFENDANT: Okay.

9 THE COURT: So I deny the motion. Thank you.

10 (Whereupon, the requested portion was concluded.)

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C E R T I F I C A T E

CompuScribe hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings heard on December 4, 2014, in the Circuit Court for Anne Arundel County in the matter of:

Criminal No. 02-K-2007-001393

STATE OF MARYLAND

vs.

BOISEY LEVERN NEAL

By:

Gail A. Williams      12/5/2014  
Gail A. Williams      Date  
Certified Transcriber  
Certificate No.: CET\*\*D-434